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OFFICE OF PETITIONS

In re Application of	:	
Hargens et al.	:	
Application No. 09/628,831	:	DECISION ON PETITION
Filed: July 31, 2000	:	PURSUANT TO
Attorney Docket No.: 1320	:	37 C.F.R. § 1.181(A)
Title: DYNAMICALLY PROVIDING	:	
COMMUNICATION ACCOUNTS USING A	:	
COMMUNICATION ACCOUNT SYSTEM	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on August 24, 2009, requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed October 14, 2008, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 15, 2009. A notice of abandonment was mailed on June 23, 2009.

ANALYSIS

Petitioner has alleged that the mailing was not received. The electronic file has been reviewed, and it is clear that the

Office communication was returned to the Office by the United States Postal Service on October 21, 2008.¹

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the non-final Office action of October 14, 2008 was not received.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is GRANTED. The holding of abandonment is **WITHDRAWN**.

CONCLUSION

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the non-final Office action of October 14, 2008, and will set a new period for response.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ The returned mailing does not contain an indication from the USPS as to why delivery was not successfully completed.

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).